Page 1 of 3

**DOCKET NO.:** 2007-0120-PST-E **TCEQ ID:** RN102827458 **CASE NO.:** 8982

RESPONDENT NAME: La Marque Independent School District

ORDER TYPE:		· · ·
1660 AGREED ORDER	_XFINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
_AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
La Marque, Galveston County  TYPE OF OPERATION: Transportation for SMALL BUSINESS: Yes X  OTHER SIGNIFICANT MATTERS: The facility location.  INTERESTED PARTIES: No one other the COMMENTS RECEIVED: The Texas Region Contacts AND MAILING LIST:  TCEQ Attorney/SEP Coordinate TCEQ Enforcement Coordinate David Van Soest, Enforcement Di Respondent: Mr. Ecomet Burley, Mr. Dwight Brannon, Executive David Parannon,	re are no complaints. There is no record of additions and the ED and the Respondent has expressed an integister comment period expired on June 18, 2007. Note:  None  r: Ms. Elvia Maske, Enforcement Division, Enforcer vision, MC 219, (512) 239-0468  Superintendent, La Marque Independent School Dispirector of Human Resource Services and Operations	al pending enforcement actions regarding this erest in this matter.  c comments were received.  ment Team 6 MC 128, (512) 239-0789; Mr.  strict, P.O. Box 7, La Marque, Texas 77568
P.O. Box 7, La Marque, Texas 77: Mr. Fred Martinez, Regional V.P. Respondent's Attorney: Not repr	, Southwest Durham School Services, 9011 Mountai esented by counsel on this enforcement matter	in Ridge Drive, Suite 150, Austin, Texas 78759

**DOCKET NO.:** 2007-0120-PST-E

### VIOLATION SUMMARY CHART:

#### VIOLATION INFORMATION PENALTY CONSIDERATIONS **CORRECTIVE ACTIONS** TAKEN/REQUIRED/ acidi iro at ir tist ex ex notes Type of Investigation: **Ordering Provisions:** Total Assessed: \$30,000 Complaint Routine The Order will require the Respondent to: Total Deferred: \$0 X Enforcement Follow-up Expedited Settlement 1) Immediately upon the effective date of Records Review this Agreed Order, cease accepting fuel Financial Inability to Pay Date(s) of Complaints Relating to this until such time as a valid delivery certificate is obtained from the TCEO. Case: None SEP Conditional Offset: \$0 2) Within 30 days after the effective date Date of Investigation Relating to this Total Paid to General Revenue: \$30,000 of this Agreed Order: Case: September 25, 2006 Site Compliance History Classification Date of NOE Relating to this Case: a. Begin conducting effective manual or High X Average Poor October 23, 2006 (NOE) automatic inventory control procedures and release detection for all USTs; Person Compliance History Classification Background Facts: This was a follow-up High X Average Poor b. Conduct tests of the line leak detectors investigation. Docket No. 2003-0804-PST-E was issued to the Respondent on for performance and operational reliability; Major Source: \_\_\_ Yes \_X No March 5, 2004 for failing to have financial assurance and the Respondent did not meet c. Equip the UST system at the facility Applicable Penalty Policy: September 2002 with spill and overfill prevention the requirements of the Order. An investigation was requested to determine equipment; Findings Orders Justification: Absence of compliance status of the Order. The management practices designed to ensure investigation determined that the d. Demonstrate Financial Responsibility. compliance. Respondent remained in non-compliance e. Bring all UST components into of the Order and also had other violations. compliance with upgrade requirements by Nine violations were documented. inspecting and testing the cathodic protection system for any UST which is WASTE required to be protected from corrosion and continue to inspect and test the 1) Failed to demonstrate the required cathodic protection system at least once financial responsibility [30 Tex. ADMIN. every three years; and CODE § 37.815(a) and (b) and TCEQ Agreed Order Docket No. 2003-0804-PST-E, Ordering Provision No. 2]. f. Begin inspecting the rectifier at least once every 60 days. 2) Failed to ensure the timely renewal of a 3) Within 45 days after the effective date previously issued underground storage of this Agreed Order, submit written tank ("UST") delivery certificate [30 Tex. certification and include detailed ADMIN. CODE § 334.8(c)(5) and TEX. supporting documentation including WATER CODE § 26.346(a)]. photographs, receipts, and/or other records to demonstrate compliance with Ordering 3) Failed to perform an automatic test for Provision Nos. 1. and 2.a. through 2.f. substance loss for each UST, in violation of 30 Tex. ADMIN. CODE § 34.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1). 4) Failed to monitor or test each pressurized line for releases [30 Tex. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].

## RESPONDENT NAME: La Marque Independent School District

**DOCKET NO.:** 2007-0120-PST-E

5) Failed to test the line leak detectors at
least once per year for performance and
operational reliability [30 Tex. ADMIN.
CODE § 334.50(b)(2)(A)(i)(III) and TEX.
Water Code § 26.3475(a)].

- 6) Failed to conduct daily and monthly inventory control [30 Tex. Admin. Code § 34.50(d)(1)(B)(ii) and Tex. Water Code § 26.3475(a) and (c).
- 7) Failed to have the cathodic protection system tested [30 Tex. Admin. Code § 334.49(c)(4) and Tex. Water Code § 26.3475(d)].
- 8) Failed to inspect the rectifier [30 Tex. Admin. Code § 334.49(c)(2)(C) and Tex. Water Code § 26.3475(d)].
- 9) Failed to provide proper overfill prevention equipment [30 Tex. Admin. Code § 334.51(b)(2)(C) and Tex. Water Code § 26.3475(c)(2)].

	Penalty Calculation Worksheet (PCW)	
Policy Revision 2 (Septe	ember 2002) PCW Revision Decem	ber 8, 2006
ICEQ		
DATES Assigned PCW		- Anna Carlo
1		
RESPONDENT/FACILITY	INFORMATION La Marque Independent School District	Printing for sel
Reg. Ent. Ref. No.		
Facility/Site Region	12-Houston Major/Minor Source Minor	
CASE INFORMATION		1 7000
Enf./Case ID No.	8982 No. of Violations 5	
	2007-0120-PST-E Order Type Findings	***************************************
Media Program(s) Multi-Media	Petroleum Storage Tank  Enf. Coordinator Elvia Maske  EC's Team Order Compliance Team	pangan di Awarin
Admin. Penalty \$ L		
	Devolty Coloulation Coation	
	Penalty Calculation Section	
TOTAL BASE PENAL	TY (Sum of violation base penalties)  Subtotal 1	\$24,000
ADJUSTMENTS (+/-)	TO SUBTOTAL 1	
Subtotals 2-7 are obtain	ned by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	40.000
Compliance Histor		\$6,000
Notes	Respondent has received one prior NOV for same or similar violations	
Notes	and one agreed order containing a denial of liability.	
Culpability	No 0% Enhancement Subtotal 4	\$0
	Decreased and decreased the cultipability oritoria	
Notes	Respondent does not meet the culpability criteria.	
Good Faith Effort	t to Comply 0% Reduction Subtotal 5	\$0
Good Faith Enon	Before NOV NOV to EDPRP/Settlement Offer	-
Extraordinary		
Ordinary		A STATE OF THE PARTY OF THE PAR
N/A	X (mark with x)	1
Notes	The Respondent does not meet the good faith criteria.	
	The state of the s	
	0% Enhancement* Subtotal 6	\$0
Approx.	Total EB Amounts \$9,514 *Capped at the Total EB \$ Amount  Cost of Compliance \$5,550	
		\$20,000
SUM OF SUBTOTAL	S 1-7 Final Subtotal	\$30,000
OTHER FACTORS A	S JUSTICE MAY REQUIRE 0% Adjustment	\$0
	Subtotal by the indicated percentage. (Enter number only; e.g30 for -30%.)	
		97.00
Notes		and date of the
	Final Penalty Amount	\$30,000
STATUTORY LIMIT A	ADJUSTMENT Final Assessed Penalty	\$30,000
	OO/ Printle Advisored	\$0
DEFERRAL Reduces the Final Assessed Per	nalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)	φυ
Treadood wie i man Addedood Fel	any and an analysis provided in the second s	
Notes	No deferral is recommended for Findings Orders.	
DAMADI E DENIA ST		\$30,000
PAYABLE PENALTY		φ30,000

Screening Date 25-Jan-2007 Docket No. 2007-0120-PST-E

PCW

Respondent La Marque Independent School District

Case ID No. 8982

Reg. Ent. Reference No. RN102827458

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Elvia Maske

Policy Revision 2 (September 2002) PCW Revision December 8, 2006

**Compliance History Worksheet** 

	Component	Number of E	nter Number Here	Adjust.
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
		Other written NOVs	0	0%
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	aners 1750 m <b>y</b> 1850 maren	20%
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
	Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
	Emissions	Chronic excessive emissions events (number of events)	0.,	0%
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	, adio	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	(***)	0%
		Pleas	se Enter Yes or No	. A. A13
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No <sup>)</sup>	0%
	Carlor	Participation in a voluntary pollution reduction program	No	0%
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No No	0%
pea	t Violator (Su	And the state of t		en e
1	INO	Adjustment P	ercentage (St	ıbtotai 3) <u> </u>
mp		Person Classification (Subtotal 7)		
	Average P	erformer Adjustment P	ercentage (Su	ıbtotal 7) 🔽
mp	liance History	Summary	The second section of	
	Compliance History	Respondent has received one prior NOV for same or similar violations and one agreed orde	r contáining a	

Screening D	<b>ate</b> 25-Jan-2007	Docket	No. 2007-0120-PST-E	PCW
Respond	<b>ent</b> La Marque Indeper	dent School District		Policy Revision 2 (September 2002)
Case ID			•	PCW Revision December 8, 2006
Reg. Ent. Reference				mm-00-00000
	i <b>te]</b> Petroleum Storage	Tank		·
Enf. Coordina	P-4800-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-		•	· concentration
Violation Num	iber 1			
Rule Cit	e(s) 30 Tex. Admin. C	ode § 37.815(a) and (b) and 0804-PST-E, Ordering I	TCEQ Agreed Order Docket N Provision No. 2	lo. 2003-
Violation Descrip	and for compens	ating third parties for bodily ir	sponsibility for taking correctiv njury and property damage ca n of petroleum Underground S ſs).	used by
			Bas	e Penalty \$10,000
>> Environmental, Proper	tv and Human Hea	th Matrix		AAAAAGAACAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
	0.03/2018/9/39 85/9/00/04/808/9/9/00/00/00/00/00/00/00/00/00/00/00/00	arm		AVAILABILITIES AVAILA
Rele	· · · · · · · · · · · · · · · · · · ·	derate Minor		200 in announce
\$640 S \$100 S \$100 S \$20 S	tual		B 1	oo deedaa aa
Pote	ntial		Percent 0%	BOULDWIND.
>>Programmatic Matrix			790245-9	CCT TOWNS
Falsifica	tion Major Mc	derate Minor		and the second s
T diome	X X		Percent 10%	West
				and All Market
Matrix Notes	10(	% of the rule requirement wa	as not met.	
horas a garanda			Adjustment	\$9,000
Sent Control of the C	PARA TRACTOR STREET	STATE OF THE PARTY	Aujustmenti	Ψ3,000
				\$1,000
The control of propagation and reference in the control of the con				P000-000 000 000 000 000 000 000 000 000
Violation Events	g garanting between	A SALAR SALA	Canada Calabara (CA)	
	() ('-)-4' F4-		Number of violation de	
Number	of Violation Events	9 9	Number of violation da	ys .
The state of the s	daily		•	AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
rooverlahan.	monthly			
mark only			Violation Bas	se Penalty \$9,000
with an				-
novalent state	annual	X		ZZZZZZZZ
	single event			venimi
				N- 0000
Nine ai 0804-F	nnual events are recomi PST-E to the investigation	nended from the effective dat n date of September 25, 2000 three USTs.	te (March 5, 2004) of Docket I 6. Three annual events for ea	no. 2003- ach of the
Economic Benefit (EB) fo	or this violation		Statutory Limit Te	ost —
Fefi	nated EB Amount	\$8,190	Violation Final Per	nalty Total \$11,250
LStil				-
Extraction of the control of the con	e Seas Anna (1800 de la Caración de la Caración de Caración de Caración de Caración de Caración de Caración de	This violation Final	Assessed Penalty (adjusted	for limits) \$11,250

#### Economic Benefit Worksheet Respondent La Marque Independent School District Case ID No. 8982 Reg. Ent. Reference No. RN102827458 Media Petroleum Storage Tank Years of Percent Interest Violation No. 1 Depreciation 5.0 Yrs Interest Saved Onetime Costs EB Amount Item Cost Date Required Final Date Item Description No commas or \$ **Delayed Costs** \$0 \$0 \$0 \$0 Equipment Buildings 0.0 Other (as needed) 0,0 Engineering/construction 0.0 0.0 Land n/a Record Keeping System 0.0 n/a Training/Sampling 0,0 n/a Remediation/Disposal n/a Permit Costs 0.0 Other (as needed) Notes for DELAYED costs stabilis stable of something ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.0 0.0 Disposal Personnel 0.0 Inspection/Reporting/Sampling Supplies/equipment 0.0 4.0 0.0 0.0 Financial Assurance [2] \$390 \$7,800 \$8,190 ONE-TIME avoided costs [3] Other (as needed) Estimated cost to provide financial assurance for three petroleum USTs (\$650 per tank). The date required is the date financial assurance was required by Docket No. 2003-0804-PST-E. The final date is the expected date of Notes for AVOIDED costs compliance. TOTAL \$1,950 \$8,190 Approx. Cost of Compliance

Scre	ening Date	25-Jan-2007	Docket No. 2007-0120-PST-	E	PCW
R	Respondent	La Marque Independe	ent School District	Policy Rev	ision 2 (September 2002)
	Case ID No.	8982		PCW R	evision December 8, 2006
Reg. Ent. Ref	ference No.	RN102827458			
Med	lia [Statute]	Petroleum Storage Ta	ank		
Enf. C	Coordinator	Elvia Maske	•		
Viol	ation Number	2			
	Rule Cite(s)	30 Tex. Adn	nin. Code § 334.8(c)(5) and Tex. Water Code § 26	.346(a)	
Violatio	on Description	Failed to ensure th Specifically, the pr	ne timely renewal of a previously issued UST delive rior certificate had expired on March 31, 2004 and renewed.	ery certificate. had not been	
				Base Penalty	\$10,000
>> Environmental	l, Property a	nd Human Health	n Matrix	We say	
Present and the second		Harı	m		,
25	Release	Major Moder	rate Minor		***************************************
OR	Actual		Percent	0%	
	Potential			<u> </u>	
>>Programmatic	Matrix				
riogrammano	Falsification	Major Mode	rate Minor		
26.4		x	Percent	10%	
	L				
Matrix Notes		100%	6 of the rule requirement was not met.		
140103					-
	P. STATES CONTRACTOR STATES			#0.000	-
Andrew Committee of the	and the second s	The second of th	Adjustment	\$9,000	· ·
					\$1,000
				i.	
Violation Events	and the particular	ario 1511 - Ingresio problem (2	til 1800 kilota i kalendari salah	sauce associadion	
	***************************************	F			
	Number of Vic	olation Events 3	908 Number of viola	tion days	
		daily			
		monthly	Violati	on Base Penalty	\$3,000
	mark only one with an x	quarterly semiannual		on base i charry	
		annual x			
•		single event			
		A Ca Malass	and the second s		
	TL	-l suanta ara racammi	ended from the UST registration expiration date of	March 31, 2004	
	Three annua		ne September 25, 2006 investigation.	March 01, 2001,	
Economic Benef	it (EB) for th	is violation	Statutory Liv	mit Test	
	a	(a) a (a			\$3,750
	Estimate	d EB Amount	\$17 Violation Fi	nal Penalty Total	ψ3,730
A. C.			This violation Final Assessed Penalty (ad	justed for limits)	\$3,750
<ul> <li>Control of the control of the control</li></ul>	an increasing with the first on the first area of the	was a series of the fact of the first of the	THE REPORT OF THE PROPERTY OF	was a first of the early blood of the contract	

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Media	Petroleum Stor	age Tank				126	Years of
Violation No.		-g				Percent Interest	Depreciation
					After the term of a complete of	5.0	1:
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	Piller Mariano di Lore da Preside	Chemical de la Cal		1,11,151,, 40 Unitablishing	Alternation (19)	
Delayed Costs	and the second section of the second			Baraja		New J	
Equipment				0.0	\$0	\$0	\$0
Buildings	المراجعة المتعادلة المتعادلة المتعادلة المتعادلة المتعادلة المتعادلة المتعادلة المتعادلة المتعادلة ا			0.0	\$0	\$0	\$0
Other (as needed)	146 145 1 C 11 1 11 11	Special Mr. Catacian Line 1977	SH THE STATE OF STATE	0.0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0	\$0
Land		1		0,0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal		and the problem of	المراز والمساور المرازية	0,0	\$0	n/a	\$0
Permit Costs	4160			0.0	\$0	n/a	\$0
Other (as needed)	\$100 Estimated cos	t to prepare and s	1-Jul-2007	3.4	\$17 n for UST registrat	ion. Date required i	\$17
Notes for DELAYED costs	Estimated cos	t to prepare and s	ubmit self-certifica	ition forn	n for UST registrat	ion. Date required i	s 30 days prior
, ,	Estimated cos	t to prepare and si to expiration of US	ubmit self-certifica ST registration and	tion forn I final da	n for UST registrat	ion. Date required i	s 30 days prior
Notes for DELAYED costs	Estimated cos	t to prepare and si to expiration of US	ubmit self-certifica ST registration and	tion forn I final da	n for UST registrat	ion. Date required i	s 30 days prior
Notes for DELAYED costs  Avoided Costs	Estimated cos	t to prepare and si to expiration of US UALIZE [1] avoid	ubmit self-certifica ST registration and	tion form I final da Intering	n for UST registrate is the expected	ion. Date required i date of compliance	s 30 days prior
Notes for DELAYED costs  Avoided Costs  Disposal	Estimated cos	t to prepare and si to expiration of US UALIZE [1] avoid	ubmit self-certifica ST registration and	tion form I final da Intering	n for UST registrate is the expected item (except for	ion. Date required i date of compliance one-time avoided o	s 30 days prior :osts)
Notes for DELAYED costs  Avoided Costs  Disposal Personnel	Estimated cos	t to prepare and si to expiration of US UALIZE [1] avoid	ubmit self-certifica ST registration and	ntering	item (except for	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s 30 days prior :osts) \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated cos	t to prepare and si to expiration of US UALIZE [1] avoid	ubmit self-certifica ST registration and	ition form	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	ion. Date required in date of compliance cone-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$ 30 days prior \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	t to prepare and si to expiration of US UALIZE [1] avoid	ubmit self-certifica ST registration and	ntion form i final da ntering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	ion. Date required in date of compliance  one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$ 30 days prior \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	t to prepare and si to expiration of US UALIZE [1] avoid	ubmit self-certifica ET registration and ed costs before e	ntering   0.0   0.0   0.0   0.0   0.0   0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	ion. Date required in date of compliance cone-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$ 30 days prior \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	t to prepare and si to expiration of US UALIZE [1] avoid	ubmit self-certifica ET registration and ed costs before e	ntion form i final da ntering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	ion. Date required in date of compliance  one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$ 30 days prior \$0 \$0 \$0 \$0 \$0 \$0 \$0

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			•		*					
	Scre	ening Date	25-Jan-2007			Docket N	<b>lo.</b> 2007-0120	)-PST-E		PCW
		=		dependent Scl	hool District				Policy Revisio	n 2 (September 2002)
	C	ase ID No.	8982						PCW Revis	ion December 8, 2006
Reg.			RN10282745				•			
			Petroleum Sto	orage Tank						
		oordinator		1						
	VIOI	Rule Cite(s)		Admin Code	8 334 50(b)	(1)(A) 334	50(b)(2), 334.5	50(b)(2)(A)(i)(II	i).	
		rtaic cito(c)						26.3475(c)(1		n vila
			Failed to pe	rform an autor	natic test for	substance	loss that can c	letect a releas		Analismmung .
			equals or exc	ceeds a rate o	f 0.2 gallons	per hour fro	om the UST sy	stem.    Specif ting that monit	ically, at	
			releases	ie investigation was being co	n there were nducted. Fai	led to mon	thly monitor or	annually test e	each	-
	Violatio	n Description	pressurized	line for release	es and failure	to test the	line leak dete	ctors at least o	nce per	
			year for	performance a	and operation	nal reliabilit	y. Specifically,	at the time of	the	HILLIAN TO THE PARTY OF THE PAR
			heing cond	, there were no ucted and the	most recent	line and lea	ak detector test	toring for relea ts were conduc	ted on	
			Doing cond	actor and the		mber 5, 20				·
								Paca	Penalty	\$10,000
		,		~~~~	517157711 <b>-9</b> 25 25 25 25 25 25 25 25 25 25 25 25 25	·			T charty	4.10,000
> Enviro	nmental	, Property a	ınd Human	Health Mat	rix	Appeared	T PAGE	grand the grand		
10 10 10 10 10		Release	Major	<b>Harm</b> Moderate	Minor					
OR		Actual	r							
		Potential	Х				Percent	25%		
	manuti Luaseini i	energagagagagaga		STREET, SCHOOL STREET, SCHOOL STREET, SCHOOL STREET, SCHOOL SCHOOL STREET, SCHOOL STREET, SCHOOL SCHOOL SCHOOL	Temperatus (1971)					
>>Progra	mmatic		Major	Moderate	Minor		izue J			
		Falsification	Major II	Woderate	IVIIIIOI	1	Percent	0%		
		<u> </u>	1	<u> </u>	<u> </u>			<u></u>		
	Motrix	Enilure to mo	nitor LISTs for	rolosees can	result in the	exposure o	f a significant a	amount of cont	aminants	
	Matrix Notes	wh	ich may excee	ed levels that a	are protective	of human	health and the	environment.		
autydy officer (2)				palety Color			Adjustmen	t	\$7,500	
pour indication (files		Peru Mikite wedanishin.	, di Likirê hikibeya ke Wil	. Plan School wood and the						
									L	\$2,500
<b>Violation</b>	Events	17096				E. (8114kg).	10 mm		100	
in concessions	_,0,,,0				-			3553248641541354558	(4862 <b>4</b> 6234624636643	
		Number of Vi	olation Events	2		123	Number	of violation day	'S	
			Basena assentation virgin		 FI					
			daily		1		,			
		mark only one	monthly quarterly	x x	1			Violation Base	e Penalty	\$5,000
		with an x	semiannual							
			annual							
			single event	ţ	]					
		Two quarte	ly events are					006 investigati	on to the	
				date of	screening, Ja	anuary 25,	2007.			
		. /EE			THE SALT THE U.S.	1 75 y 75 (aseila	STELL	wallimit Ta		
∟conomi	c Benef	ıτ (⊏Β) for ti	nis violatioi		en e		2002.25.00 a. 125 t	ory Limit Te		
		Estimate	ed EB Amoun	t[	\$8	84	Violat	ion Final Pen	alty Total	\$6,250
					This violati	on Final A	ssessed Pena	ity (adjusted t	for limits)	\$6,250
					t seiste it	. Zapraja Szakia.	as tagat vijila i i i j			

#### Economic Benefit Worksheet Respondent La Marque Independent School District Case ID No. 8982 Reg. Ent. Reference No. RN102827458 Media Petroleum Storage Tank Years of Percent Interest Depreciation Violation No. 3 Item Cost Final Date **Date Required** Interest Saved Onetime Costs , EB Amount Item Description No commas or \$ **Delayed Costs** 0,0 Equipment Buildings Other (as needed) 1-Jul-2007 0,8 0,0 0,0 \$25 Engineering/construction Land n/a . Record Keeping System 0,0 n/a Training/Sampling 0,0 n/a Remediation/Disposal 0,0 \$0 ...n/a Permit Costs 0,0 n/a Other (as needed) Estimated cost to conduct monthly monitoring for the USTs and to conduct piping tightness and annual line leak Notes for DELAYED costs detector tests. The date required is the investigation date and the final date is the estimated date of compliance. **Avoided Costs** ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Disposal 0.0 Personnel 0,0 \$0 \$0 Inspection/Reporting/Sampling 0.0 Supplies/equipment 0.0 Financial Assurance [2] 0,0 ONE-TIME avoided costs [3] 0,0 Other (as needed) Notes for AVOIDED costs \$2,000 Approx. Cost of Compliance

Scre	ening Date	25-Jan-2007		Docket No. 200	7-0120-PST-E	***************************************	PCW
	_		ependent School District	t .		Policy Rev	ision 2 (September 2002)
	case ID No.					PCW Re	vision December 8, 2006
Reg. Ent. Ref	erence No.	RN102827458		•			100
		Petroleum Stor	age Tank				ARRANGEMENT, FF
	coordinator		3				The state of the s
	ation Number	4					
	Rule Cite(s)	20 Tay Admin	. Code § 334.49(c)(4), 3	24 40(a)(2)(C) and T	Toy Water Code 8.3	6 3475(d)	
		30 Tex. Admin.	. Code 9 334.49(c)(4), 3	34.49(C)(Z)(C) and 1	ex. Water Code 3 2	0.547.5(4)	100
Violation	n Description	Specifically, protection sy inspect the	e the cathodic protection at the time of the invest ystem tests had been one rectifier at least once that the time of the investigation.	igation, no documen onducted within the p every 60 days for imp	itation existed that c prior three years. Fa pressed current syst	athodic illure to ems.	
	,				Bas	e Penalty	\$10,000
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OR	Actual	r					•
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>>Programmatic				25 miles			
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				Pei	rcent 0%		•
	1						*
Matrix Notes	Human hea	alth or the environ xceed levels that	onment could be expose at are protective of huma	an health and enviror	nmental receptors.		
Parameter in the second second second		Secretary to a first of	A CONTRACTOR OF THE	Adju	stment	\$7,500	
						Г	\$2,500
						<u></u>	72,000
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	Number of Vi	olation Events	2	1096 Nu	mber of violation da	ys	
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		daily					
		monthly					¢5.000
	mark only one	quarterly	X		Violation Bas	se Penalty	\$5,000
	with an x	semiannual					
		annual					
		single event					
	Two quarter	rly events are re	commended from the d		r 25, 2006 investiga	tion to the	
			date of screening,	January 25, 2007.			
Economic Benefi	it (EB) for th	nis violation		St	atutory Limit Te	est	
A CONTRACTOR OF THE CONTRACTOR		ed EB Amount	\$1,	196	Violation Final Pe	nalty Total	\$6,250
	Latiniate	a ED Alliouitt	Ψ1,	<u>ئـــَـــا</u>			
	ng a pangan garawa na manaka kanan ma		This viola	tion Final Assessed	l Penalty (adjusted	for limits)	\$6,250
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i di Englishi di di	95.11.11.12.11.11.11.11.11		0.0			\$0
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		ern can ping a software on an at			n/a	\$0
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4 400 400 000					n/a	\$0
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PCW	Docket No. 2007-0120-PST-E	Screening Date 25-Jan-2007
nn 2 (September 2002)	Independent School District Policy Revision	Respondent La Marque Independent Sc
ion December 8, 2006	PCW Revi	Case ID No. 8982
	458	Reg. Ent. Reference No. RN102827458
	Storage Tank	Media [Statute] Petroleum Storage Tank
	Ke	Enf. Coordinator Elvia Maske
		Violation Number 5
	ex. Admin. Code § 334.51(b)(2)(C) and Tex. Water Code § 26.3475(c)(2)	Rule Cite(s) 30 Tex. Admin. Code
	ed to provide proper overfill prevention equipment for each of the USTs. cally, during the investigation, confirmation that there was overfill prevention equipment was not evident.	Failed to provide pro Violation Description Specifically, during the in
. \$10,000	Base Penalty	
		Environmental, Property and Human Health Mat
	<b>Harm</b> Moderate Minor	ROUGH 전 : 12 점점
		OR Actual
	X Percent 10%	
		23.88 90g 
		Programmatic Matrix
	Moderate Minor	Falsification Major Moderate
	Percent 0%	
	nvironment could be exposed to significant amounts of pollutants which would that are protective of human health or environmental receptors as a result of the violation.  Adjustment \$9,000	Matrix Notes Human health or the environment could not exceed levels that are protective or
\$1,00		SSE STEELE SEE SEELEMEN EEN EEN MET MEER MET MET DE LEEUWE DE LEEUWE SEELEMEN DE LEEUWE DE MEER MEER MEER MEER Teelemen
		iolation Events
	ents 2 123 Number of violation days	
		daily
	v l	monthly
\$2,00		
		with an x semiannual
		annual
	ent	single event
	are recommended from the date of the September 25, 2006 investigation to the	Two quarterly events are recommended date of
	date of screening, January 25, 2007.	
		conomic Benefit (EB) for this violation
\$2,50	ion Statutory Limit Test	conomic Benefit (EB) for this violation  Estimated EB Amount
\$2,50 \$2,50	ion Statutory Limit Test	wife ( ) with a similar similar similar of the control of the cont

	RN102827458						
Media F Violation No. 5	Petroleum Stor	age Tank				Percent Interest	Years of Depreciation
					all a south father at some some	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description  Delayed Costs				1 22			
Equipment	\$500	25-Sep-2006	1-Jul-2007	0.8	\$1	\$25	\$27
Buildings Other (as needed)	lucado da esperante de la constanción d La constanción de la		<del>Territo artea</del> n	0.0	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction	teorial Magazinia (1) 1980 Brahler Konist			0.0	\$0 \$0	\$0	\$U \$0
Land	nacada da	garanasiya Sisist Libera ad daya	P. A. S. C.	0.0	\$0	n/a	\$0
Record Keeping System		11 12 12 12 12 12 12 12 12 12 12 12 12 1		0.0	\$0	n/a	\$0
Training/Sampling	17 17 17 17 17 17 17 17 17 17 17 17 17 1			0.0	\$0	n/a	\$0
Remediation/Disposal	laad akka isal		The same of the same of the	0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs  Avoided Costs Disposal		investigti	ion and the final o	late is es	stimated date of co	Date required is the compilance:  Date required is the compilance:  Date required is the compilance is	1,181,18191808
Personnel	triacist	8		0,0	\$0	\$0	\$0
Inspection/Reporting/Sampling	Bryans I in the second	TO A WAY ON THE PROJECT OF THE PARTY.	museum erranden er 19. gebeur.	0.0	\$0	\$0	\$0
Supplies/equipment	pac No. 1	y company of	The Reservoir of the second	0.0	\$0	. \$0	\$0
Financial Assurance [2]			gitting for the second diagram	0.0	\$0	\$0	\$0   110
ONE-TIME avoided costs [3]		pr		0,0	\$0	\$0 !	\$0
Other (as needed)	and the second		generals brokens	0.0	\$0	\$0	\$0
Notes for AVOIDED costs		ierus Jarona (j.)			Hijo to kalifornio del Historia del Joseph Historia del Gordonio del	n de Alexander et en	
	and the countries of the	L'Establication sin concession	15400000 116400012 44460	Data Bradical Lice	adelicare in encountries of the 1995 to	the second of the second of the	

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# **Compliance History**

Customer	/Respondent/Owner-Operator:	CN600582746	La Marque	e Independent S	chool District	Classification: AVERAGE	Rating: 7.34		
Regulated Entity:		RN102827458	LARMAR	QUE ISD TRAN	SP DEPT	Classification: AVERAGE	Site Rating:	16.00	
		PETROLEUM S' REGISTRATION		NK	REGISTR	ATION	21614		
ID Numbe	er(s):								
Location:		1610 HOWELL A	VE, LA MAR	QUE, TX, 77568	3	Rating Date: 9/1/2006 Rep	eat Violator: NO		
TCEQ Re	egion:	REGION 12 - HC	USTON						
Date Con	npliance History Prepared:	January 31, 2007	7						
Agency D	Decision Requiring Compliance History	: Enforcement							
Complian	ce Period:	January 29, 2002	to January 2	29, 2007					
TCEQ Sta	aff Member to Contact for Additional Ir	nformation Regarding	this Compliar	nce History					
Name:	Elvia Maske	Ph	ione:	(512) 239-0789			, a		
		Cita C	`!:	History Com	nonento				
			•	History Com	•				
	e site been in existence and/or operati	-			Yes No				
	ere been a (known) change in owners who is the current owner?	nip of the site during t	ie compliand	е репост					
	, who was/were the prior owner(s)?				N/A		-		
	•	_			N/A		_		
	did the change(s) in ownership occur				N/A		_		
Compo	nents (Multimedia) for the Site :			<b></b>					
Α.	Final Enforcement Orders, court judg	_				ral government.			
	Effective Date: 03/05/2004 Classification: Major	•	ADMI	NORDER 2003	-0804-PST-E				
	-	Chapter 37, SubChap	ter I 37.815(a	a)[G]					
		Chapter 37, SubChap	-	)[G]					
	Description: Failure to	injury and property da	able financial	assurance for ta d by accidental ।	king corrective eleases arisin	e action and compensating g from the operation of			
	underground penolodi	ii otorago tariko.							
B.	Any criminal convictions of the state N/A	of Texas and the fed	eral governm	ent.					
C.	Chronic excessive emissions events	S.							
	N/A								
D.	The approval dates of investigations	s. (CCEDS Inv. Track.	No.)						
	1 10/23/2006 (514534)								
	2 09/27/2002 (145349) 3 10/25/2002 (146061)			,					
E.	Written notices of violations (NOV).	(CCEDS Inv. Track. N	lo.)						
		5349)							
	Self Report? NO	•		Clas	sification: N	<i>l</i> lajor			
		Chapter 37, SubChapt							
		Chapter 37, SubChapt 2003-0804-PST-E, OF		)[ <sup>년</sup> ]					
	Description: Failure to compens	o demonstrate accepta ating third parties for arising from the opera	able financial bodily injury a	and property dar	nage caused b	y accidental			

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
LA MARQUE INDEPENDENT SCHOOL	§	
DISTRICT	§	
RN102827458	§	ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2007-0120-PST-E

At its	agenda, the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ")	considered this agreement of the parties, resolving an enforcement action
regarding La Marque Inde	pendent School District ("La Marque") under the authority of TEX. WATER
CODE chs. 7 and 26. The	Executive Director of the TCEQ, through the Enforcement Division, and La
Marque presented this agree	ement to the Commission.

La Marque understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, La Marque agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon La Marque.

The Commission makes the following Findings of Fact and Conclusions of Law:

## I. FINDINGS OF FACT

1. La Marque owns a transportation facility with non-retail fueling located at 1610 Howell Avenue in La Marque, Galveston County, Texas (the "Facility").

	•			

- 2. La Marque's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. During an investigation on September 25, 2006, TCEQ staff documented that La Marque failed to demonstrate the required financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.
- 4. During an investigation on September 25, 2006, TCEQ staff documented that La Marque failed to ensure the timely renewal of a previously issued UST delivery certificate. Specifically, the prior certificate had expired on March 31, 2004 and had not been renewed.
- 5. During an investigation on September 25, 2006, TCEQ staff documented that La Marque failed to perform an automatic test for substance loss that can detect a release which equals or exceeds a rate of 0.2 gallons per hour from the UST system. Specifically, at the time of the investigation there were no documents demonstrating that monitoring for releases was being conducted.
- 6. During an investigation on September 25, 2006, TCEQ staff documented that La Marque failed to monthly monitor or anually test each pressurized line for releases. Specifically, at the time of the investigation, all evidence indicated that the most recent line leak tests were conducted on December 5, 2003.
- 7. During an investigation on September 25, 2006, TCEQ staff documented that La Marque failed to test the line leak detectors at least once per year for performance and operational reliability.
- 8. During an investigation on September 25, 2006, TCEQ staff documented that La Marque failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons. Specifically, at the time of the investigation, there were no records demonstrating that daily and monthly inventory control and reconciliation was being conducted.
- 9. During an investigation on September 25, 2006, TCEQ staff documented that La Marque failed to have the cathodic protection system tested at least once every three years. Specifically, at the time of the investigation, no documentation existed that cathodic protection system tests had been conducted within the prior three years.
- 10. During an investigation on September 25, 2006, TCEQ staff documented that La Marque failed to inspect the rectifier at least once every 60 days for impressed current systems. Specifically, at the time of the investigation, no 60 day rectifier inspections were being conducted.
- During an investigation on September 25, 2006, TCEQ staff documented that La Marque failed to provide proper overfill prevention equipment for each of the USTs. Specifically, at the time of the investigation, confirmation that there was overfill prevention equipment was not evident.
- 12. La Marque received notice of the violations on October 28, 2006.

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### II. CONCLUSIONS OF LAW

- 1. La Marque is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3, La Marque failed to demonstrate the required financial responsibility, in violation of 30 Tex. ADMIN. CODE § 37.815(a) and (b) and TCEQ Agreed Order Docket No. 2003-0804-PST-E, Ordering Provision No. 2.
- 3. As evidenced by Findings of Fact No. 4, La Marque failed to ensure the timely renewal of a previously issued UST delivery certificate, in violation of 30 Tex. ADMIN. CODE § 334.8(c)(5) and Tex. Water Code § 26.346(a).
- 4. As evidenced by Findings of Fact No. 5, La Marque failed to perform an automatic test for substance loss for each UST, in violation of 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1).
- 5. As evidenced by Findings of Fact No. 6, La Marque failed to monitor or test each pressurized line for releases, in violation of 30 Tex. ADMIN. CODE § 334.50(b)(2) and Tex. WATER CODE § 26.3475(a).
- 6. As evidenced by Findings of Fact No. 7, La Marque failed to test the line leak detectors at least once per year for performance and operational reliability, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a).
- 7. As evidenced by Findings of Fact No. 8, La Marque failed to conduct daily and monthly inventory control, in violation of 30 Tex. ADMIN. CODE § 334.50(d)(1)(B)(ii) and Tex. WATER CODE § 26.3475(a) and (c).
- 8. As evidenced by Findings of Fact No. 9, La Marque failed to have the cathodic protection system tested, in violation of 30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d).
- 9. As evidenced by Findings of Fact No. 10, La Marque failed to inspect the rectifier, in violation of 30 Tex. Admin. Code § 334.49(c)(2)(C) and Tex. Water Code § 26.3475(d).
- 10. As evidenced by Findings of Fact No. 11, La Marque failed to provide proper overfill prevention equipment, in violation of 30 Tex. ADMIN. CODE § 334.51(b)(2)(C) and Tex. WATER CODE § 26.3475(c)(2).
- 11. Pursuant to TEX. Water Code §7.051, the Commission has the authority to assess an administrative penalty against La Marque for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

La Marque Independent School District DOCKET NO. 2007-0120-PST-E Page 4

12. An administrative penalty in the amount of Thirty Thousand Dollars (\$30,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. La Marque has paid the Thirty Thousand Dollar (\$30,000) administrative penalty.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. La Marque is assessed an administrative penalty in the amount of Thirty Thousand Dollars (\$30,000) as set forth in Section II, Paragraph 12 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and La Marque's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: La Marque Independent School District, Docket No. 2007-0120-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. Immediately upon the effective date of this Agreed Order, La Marque shall cease accepting fuel until such time as a valid delivery certificate is obtained from the TCEQ, in accordance with 30 Tex. Admin. Code § 334.8.
- 3. Within 30 days after the effective date of this Agreed Order, La Marque shall undertake the following technical requirements:
  - a. Begin conducting effective manual or automatic inventory control procedures and release detection for all USTs, in accordance with 30 Tex. ADMIN. CODE § 334.50;
  - b. Conduct tests of the line leak detectors for performance and operational reliability, in accordance with 30 TEX. ADMIN. CODE § 334.50;
  - c. Equip the UST system at the facility with spill and overfill prevention equipment, in accordance with 30 TEX. ADMIN. CODE § 334.51(b);
  - d. Demonstrate Financial Responsibility, in accordance with 30 TEX. ADMIN. CODE § 37.815(a) and (b);
  - e. Bring all UST components into compliance with upgrade requirements by inspecting and testing the cathodic protection system for any UST which is required to be protected from

corrosion and continue to inspect and test the cathodic protection system at least once every three years, in accordance with 30 TEX. ADMIN. CODE § 334.49(c)(4)(C); and

- f. Begin inspecting the rectifier at least once every 60 days, in accordance with 30 TEX. ADMIN. CODE § 334.49(c)(4) and 334.49(c)(2)(C).
- 4. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2. and 3.a. through 3.f. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Waste Section Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 5. The provisions of this Agreed Order shall apply to and be binding upon La Marque. La Marque is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 6. If La Marque fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, La Marque's failure to comply is not a violation of this Agreed Order. La Marque shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. La Marque shall notify the Executive Director within seven days after La Marque becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

 $\mathcal{T}(x,y,\mathbf{d}) = \mathbf{0} \quad \forall x \in \mathbb{R}^{n} \quad \text{of } x \in \mathbb{R}^{n} \quad \text{if } x \in \mathbb{R}^{n} \quad \text$ 

- 7. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by La Marque shall be made in writing to the Executive Director. Extensions are not effective until La Marque receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to La Marque if the Executive Director determines that La Marque has not complied with one or more of the terms or conditions in this Agreed Order.
- 9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 10. This Agreed Order, issued by the Commission, shall not be admissible against La Marque in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 11. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 12. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission	
For the Continueston	
Jan Srollin	8/9/12007
For the Executive Director	Date
I, the undersigned, have read and understand the atta	
Independent School District. I am authorized to agree	
Marque Independent School District, and do agree	
acknowledge that the TCEQ, in accepting payment for representation.	r the penalty amount, is materially relying on such
representation.	
I understand that by entering into this Agreed Order	r. La Marque Independent School District waives
certain procedural rights, including, but not limited to	, the right to formal notice of violations addressed
by this Agreed Order, notice of an evidentiary hearing,	, the right to an evidentiary hearing, and the right to
appeal. I agree to the terms of the Agreed Order in I	lieu of an evidentiary hearing. This Agreed Order
constitutes full and final adjudication by the Commission	on of the violations set forth in this Agreed Order.
I also understand that my failure to comply with the C	Ordering Provisions, if any in this order and/or my
failure to timely pay the penalty amount, may result in:	
<ul> <li>A negative impact on my compliance history;</li> </ul>	
Greater scrutiny of any permit applications sub-	bmitted by me;
• Referral of this case to the Attorney General'	's Office for contempt, injunctive relief, additional
penalties, and/or attorney fees, or to a collection in any future enforcement.	on agency,
Automatic referral to the Attorney General's C	Office of any future enforcement actions against me
and	
TOTO realing other relief as authorized by lay	w.
In addition, any falsification of any compliance docum	nents may result in criminal prosecution.
$\sim$ 140 $R$	
( A) A Chango	7-25-01
Signature	Date
Digimina	
To bet A Branco	Frecutive Director
Dwight C-Orangon	Title
Name (Rrinted or typed)	Tine Tine
Authorized Representative of  La Marque Independent School District	•
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Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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